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| EXAMINER | |
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| NGUYEN, TOAN D | |

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| 2416 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/759,153 | NAIM ET AL. | |
| | Examiner | Art Unit | |
| | TOAN D. NGUYEN | 2416 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *03 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,3,4,7-9,13-16 and 18-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,7-9,13-16 and 18-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1, 3-4, 7-9, 13-16 and 18-32 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3-4, 7, 16 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang et al. (EP 0981229 A2) in view of Yao et al. (US 6,785,262) further in view of Tiedemann, Jr. et al. (US 5,914,950).

For claims 1, 7 and 16, Hwang et al. disclose controlling asymmetric dynamic radio bearers in mobile packet data communications system, comprising:

monitoring a first network element (figure 1, reference 1) for an indication of future need of communication resources in a first network element (Abstract, lines 14-16, page 3, col. 4, lines 18-25); and

allocating the communications resources for a transmission between the first network element (figure 1, reference 1) and a second network element based on the indication (Abstract, lines 1-9, page 2, col. 2, line 18 to page 3, line 1).

However, Hwang et al. do not expressly disclose wherein the indication comprises a coded value of a length of a data queue in the first network element. In an analogous art, Yao et al. disclose wherein the indication is a code value (col. 9, lines 57-59) of a length of the data queue in the first network element (figure 3, reference 10)(col. 12, lines 6-8, and col. 12, lines 41-43).

Yao et al. disclose wherein the first network element is a mobile station (figure 3, reference 10) and the second network element is a base station (figure 3, reference 12) of a wireless communication network (col. 7, lines 27-28 as set forth in claim 7); and wherein the monitoring comprises receiving data packets and wherein each of the data packets comprises the indication of the length of the data queue is sent in every packet (col. 9, lines 51-60 as set forth in claim 16).

One skilled in the art would have recognized the wherein the indication is a coded value of the length of the data queue in the first network element, and would have applied Yao et al.'s determine the channel quality based on the length of queue 408 in Hwang et al.'s mobile station transmission. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Yao et al.'s method and apparatus for voice latency reduction in a voice-over-data wireless communication system in Hwang et al.'s controlling asymmetric dynamic radio bearers in mobile packet data communications system with the motivation being to determine channel quality (col. 12, line 1).

Furthermore, Hwang et al. in view of Yao et al. do not expressly disclose wherein the length of the data queue is embedded in a data block from the first network element. In an analogous art, Tiedemann, Jr. et al. disclose wherein the length of the data queue is embedded in a data block from the first network element (col. 21, lines 51-53).

One skilled in the art would have recognized the wherein the length of the data queue is embedded in a data block from the first network element, and would have applied Tiedemann, Jr. et al.'s data queue size in Hwang et al.'s mobile station transmission. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Tiedemann, Jr. et al.'s method and apparatus for reverse link rate scheduling in Hwang et al.'s controlling asymmetric dynamic radio bearers in mobile packet data communications system with the motivation being assigning the maximum scheduled transmission rate (col. 21, lines 49-51).

For claim 3, Hwang et al. disclose wherein the indication comprises information about a transmit buffer of the first network element (page 2, col. 2, lines 23-44).

For claim 4, Hwang et al. disclose wherein the indication comprises information on the additional resources needed for said first network element (figure 4, page 2, col. 2, lines 28-34, and page 5, col. 7, lines 9-36).

For claim 31, Hwang et al. disclose controlling asymmetric dynamic radio bearers in mobile packet data communications system, comprising:

monitoring a first network element (figure 1, reference 1) for an indication of future need of communication resources in a first network element (Abstract, lines 14-16, page 3, col. 4, lines 18-25); and

allocating the communications resources for a transmission between the first network element (figure 1, reference 1) and a second network element based on the indication (Abstract, lines 1-9, page 2, col. 2, line 18 to page 3, line 1).

However, Hwang et al. do not expressly disclose wherein the indication comprises a coded value of a length of a data queue in the first network element. In an analogous art, Yao et al. disclose wherein the indication is a code value (col. 9, lines 57-59) of a length of the data queue in the first network element (figure 3, reference 10)(col. 12, lines 6-8, and col. 12, lines 41-43).

One skilled in the art would have recognized the wherein the indication is a coded value of the length of the data queue in the first network element, and would have applied Yao et al.'s determine the channel quality based on the length of queue 408 in Hwang et al.'s mobile station transmission. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention, to use Yao et al.'s method and apparatus for voice latency reduction in a voice-over-data wireless communication system in Hwang et al.'s controlling asymmetric dynamic radio bearers in mobile packet data communications system with the motivation being to determine channel quality (col. 12, line 1).

Furthermore, Hwang et al. in view of Yao et al. do not expressly disclose wherein the length of the data queue is embedded in a data block from the first network element. In an analogous art, Tiedemann, Jr. et al. disclose wherein the length of the data queue is embedded in a data block from the first network element (col. 21, lines 51-53).

One skilled in the art would have recognized the wherein the length of the data queue is embedded in a data block from the first network element, and would have applied Tiedemann, Jr. et al.'s data queue size in Hwang et al.'s mobile station transmission. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Tiedemann, Jr. et al.'s method and apparatus for reverse link rate scheduling in Hwang et al.'s controlling asymmetric dynamic radio bearers in mobile packet data communications system with the motivation being assigning the maximum scheduled transmission rate (col. 21, lines 49-51).

5. Claims 8-9, 13-14, 18 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al. (US 6,785,262) in view of Hwang et al. (EP 0981229 A2).

For claim 8, Yao et al. disclose method and apparatus for voice latency reduction in a voice-over-data wireless communication system, comprising:

a plurality of first stations (figure 3, reference 10, col. 7, line 2);

a second station (figure 3, reference 12) connected to said plurality of first stations (figure 3, reference 10) through a plurality of communication links (col. 7, lines 27-28);

a controller (figure 3, reference 14) configured to control allocation of the communication resources among the communications links, the controller being separate and independent from the first stations (col. 7, lines 31-32), wherein the information from each of the first stations comprises a data block embedding a coded value (col. 9, lines 57-59) of a lengths of a data queues in each of the first stations (col. 12, lines 6-8).

However, Yao et al. do not expressly disclose said allocation being performed in accordance with information transmitted from the first stations. In an analogous art, Hwang et al. disclose said allocation being performed in accordance with information transmitted from the first stations (figure 1, Abstract, lines 14-16, and page 3, col. 4, lines 18-25).

One skilled in the art would have recognized said allocation being performed in accordance with information transmitted from the first stations which indicates a need for communication resources, and would have applied Hwang et al.'s mobile station transmission in Yao et al.'s determine the channel quality based on the length of queue 408. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Hwang et al.'s

controlling asymmetric dynamic radio bearers in mobile packet data communications system in Yao et al.'s method and apparatus for voice latency reduction in a voice-over-data wireless communication system with the motivation being requested radio service (page 3, col. 4, line 20).

For claim 9, Yao et al. disclose wherein said controller (figure 3, reference 14) is part of said base station (figure 3, reference 12) (col. 7 lines 29-31).

For claim 13, Yao et al. disclose wherein each of said first station transmits a transmission comprising a plurality of data blocks, and wherein the coded value of the length of a data queues of one of the first stations is provided in each of said data blocks in the transmission associated with said one first station (col. 9, lines 51-59, and col. 12, lines 2-5).

For claim 14, Yao et al. disclose method and apparatus for voice latency reduction in a voice-over-data wireless communication system, comprising:

a controller (figure 3, reference 14) configured to control allocation of communication resources for at least one mobile station (col. 7, lines 28-34), wherein received queue length information for the at least one mobile station (col. 12, lines 6-8).

However, Yao et al. do not expressly disclose the allocation is based upon received information for the at least one mobile station. In an analogous art, Hwang et al. disclose the allocation is based upon received information for the at least one mobile station (figure 1, Abstract, lines 14-16, and page 3, col. 4, lines 18-25).

One skilled in the art would have recognized the allocation is based upon received information for the at least one mobile station, and would have applied

Hwang et al.'s mobile station transmission in Yao et al.'s determine the channel quality based on the length of queue 408. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Hwang et al.'s controlling asymmetric dynamic radio bearers in mobile packet data communications system in Yao et al.'s method and apparatus for voice latency reduction in a voice-over-data wireless communication system with the motivation being requested radio service (page 3, col. 4, line 20).

For claim 18, Yao et al. disclose further comprising:

wherein the decoder receives a plurality of data packets and each of said data packets comprises said queue length information (col. 13, lines 55-57).

For claim 26, Yao et al. disclose further comprising:

a decoder (figure 6, reference 614) configured to:

decode the queue length information for each of the at least one mobile station (col. 13, lines 55-57), and

provide said queue length information for each of the at least one mobile station (figure 3, reference 10) to the controller (col. 7, lines 27-32).

However, Yao et al. do not expressly disclose decode a code representative of a length of the data queue in at least one mobile station. To include the decode a code representative of a length of a data queue in at least one mobile station would have been obvious to one of ordinary skill in the art because the decoder 614 would decode the data frames generated by the voice encoder 406 based on the length of queue 408 (a code representative of a length of the data queue in at least one mobile station means).

For claim 27, Yao et al. disclose wherein the code (col. 9, lines 57-59) comprises information about a transmit buffer for each of the at least one mobile station (figure 3, reference 10)(col. 12, lines 6-8, and col. 12, lines 41-43).

For claim 28, Yao et al. disclose wherein the code comprises information on the additional resources needed by each of the at least one mobile station (col. 12, lines 6-13, and col. 12, lines 41-43).

6. Claims 15, 19 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al. (US 6,785,262).

For claim 15, Yao et al. disclose method and apparatus for voice latency reduction in a voice-over-data wireless communication system, comprising:

a data queue, configure to store data packets (figure 4, reference 408, col. 9, line 18) for sending;

an encoder (figure 4, reference 406) configured to encode a code (col. 9, lines 57-59) representative of the length of the data queue (col. 9, line 17, and col. 12, lines 6-13); and

a transmitter (figure 4, reference 420) configured to transmit said data packet with said data block with said code included therein as a field (col. 9, lines 17-20).

However, Yao et al. do not expressly disclose a length of the data queue embedded in a data block. To include the length of the data queue embedded in a data block would have been obvious to one of ordinary skill in the art because Yao et al. disclose each vocoder frame contains a number of

information bits depending on the data rate for the particular frame (col. 9, lines 57-59).

For claim 19, Yao et al. disclose wherein the transmitter is further configured to transmit the indication in each data packet that is transmitted from the transmitter (col. 9, lines 17-20).

For claim 29, Yao et al. disclose wherein the code (col. 9, lines 57-59) further comprises information about a transmit buffer for the apparatus (col. 12, lines 6-8, and col. 12, lines 41-43).

For claim 30, Yao et al. disclose wherein the code comprises information on the additional resources needed by each of the at least one mobile station (col. 12, lines 6-13, and col. 12, lines 41-43).

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al. (US 6,785,262) in view of Tiedemann, Jr. et al. (US 5,914,950).

For claim 20, Yao et al. disclose method and apparatus for voice latency reduction in a voice-over-data wireless communication system, comprising:

decoder means (figure 6, reference 614) for decoding a data queue in a mobile station (col. 13, lines 55-57); and

a controller means (figure 3, reference 14) for control allocation of communication resources (col. 7, line 32),

wherein said decoder means (figure 6, reference 614) provides information for the mobile station (figure 3, reference 10) to the controller (col. 7, lines 27-32).

However, Yao et al. do not expressly disclose decoding a code representative of a length of the data queue in at least one mobile station. To include the decoding a code representative of a length of a data queue in at least one mobile station would have been obvious to one of ordinary skill in the art because the decoder 614 would decode the data frames generated by the voice encoder 406 based on the length of queue 408 (a code representative of a length of the data queue in at least one mobile station means).

Furthermore, Yao et al. do not expressly disclose wherein the length of the data queue is embedded in a data block from the mobile station. In an analogous art, Tiedemann, Jr. et al. disclose wherein the length of the data queue is embedded in a data block from the mobile station (col. 21, lines 51-53).

One skilled in the art would have recognized the wherein the length of the data queue is embedded in a data block from the mobile station, and would have applied Tiedemann, Jr. et al.'s data queue size in Hwang et al.'s mobile station transmission. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Tiedemann, Jr. et al.'s method and apparatus for reverse link rate scheduling in Hwang et al.'s controlling asymmetric dynamic radio bearers in mobile packet data communications system with the motivation being assigning the maximum scheduled transmission rate (col. 21, lines 49-51).

8. Claims 21-25 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al. (US 6,785,262) in view of Ishida et al. (US 6,975,604).

For claim 21, Yao et al. disclose method and apparatus for voice latency reduction in a voice-over-data wireless communication system, comprising:

data queue means for receiving data packets (figure 4, reference 408, col. 9, line 18);

encoder means (figure 4, reference 406) for encoding a code (col. 9, lines 57-59) representative of a length of the data queue means (col. 9, line 17, and col. 12, lines 6-13); and

transmitter means (figure 4, reference 420) for transmitting said data and said block, wherein said code is included therein as a field (col. 9, lines 17-20).

However, Yao et al. do not expressly disclose a data generator. In an analogous art, Ishida et al. disclose a data generator (figure 6, reference 617, col. 8, lines 42-43);

One skilled in the art would have recognized the data generator, and would have applied Ishida et al.'s mobile station in Yao et al.'s determine the channel quality based on the length of queue 408. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Ishida et al.'s base station controller and mobile station in Yao et al.'s method and apparatus for voice latency reduction in a voice-over-data wireless communication system with the motivation being to generate data into frames (col. 8, lines 58-60).

Furthermore, Hwang et al. in view of Yao et al. do not expressly disclose wherein the encoder means embeds the length of the data queue in a data block.

In an analogous art, Tiedemann, Jr. et al. disclose wherein the encoder means embeds the length of the data queue in a data block (col. 21, lines 51-53).

One skilled in the art would have recognized the wherein the encoder means embeds the length of the data queue in a data block, and would have applied Tiedemann, Jr. et al.'s data queue size in Hwang et al.'s mobile station transmission. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Tiedemann, Jr. et al.'s method and apparatus for reverse link rate scheduling in Hwang et al.'s controlling asymmetric dynamic radio bearers in mobile packet data communications system with the motivation being assigning the maximum scheduled transmission rate (col. 21, lines 49-51).

For claim 22, Yao et al. disclose method and apparatus for voice latency reduction in a voice-over-data wireless communication system, comprising:

encoding (figure 4, reference 406) a code (col. 9, lines 57-59) representative of a length of a data queue in a first network element (col. 9, line 17, and col. 12, lines 6-13), wherein the data queue is configured to receive the data block (figure 4, reference 408, col. 9, line 18); and

transmitting (figure 4, reference 420) data packets comprising a field comprising said code (col. 9, lines 17-20), wherein said code (col. 9 lines 57-59) is used when allocating communication resources for a transmission between the first network element and a second network element (col. 7, lines 27-32).

However, Yao et al. do not expressly disclose generating data. In an analogous art, Ishida et al. disclose generating data (figure 6, reference 617, col. 8, lines 42-43);

One skilled in the art would have recognized the data generator, and would have applied Ishida et al.'s mobile station in Yao et al.'s determine the channel quality based on the length of queue 408. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Ishida et al.'s base station controller and mobile station in Yao et al.'s method and apparatus for voice latency reduction in a voice-over-data wireless communication system with the motivation being to generate data into frames (col. 8, lines 58-60).

Furthermore, Hwang et al. in view of Yao et al. do not expressly disclose wherein the length of the data queue is embedded in a data block. In an analogous art, Tiedemann, Jr. et al. disclose wherein the length of the data queue is embedded in a data block (col. 21, lines 51-53).

One skilled in the art would have recognized the wherein the length of the data queue is embedded in a data block, and would have applied Tiedemann, Jr. et al.'s data queue size in Hwang et al.'s mobile station transmission. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Tiedemann, Jr. et al.'s method and apparatus for reverse link rate scheduling in Hwang et al.'s controlling asymmetric dynamic radio bearers in mobile packet data communications system with the motivation being assigning the maximum scheduled transmission rate (col. 21, lines 49-51).

For claim 23, Yao et al. disclose wherein the code (col. 9, lines 57-59) further comprises information about a transmit buffer of the first network element (col. 12, lines 6-8, and col. 12, lines 41-43).

For claim 24, Yao et al. disclose wherein the code comprises information on the additional resources needed by said first network element (col. 12, lines 6-13, and col. 12, lines 41-43).

For claim 25, Yao et al. disclose wherein the first network element is a mobile station (figure 3, reference 10) and the second network element is a base station (figure 3, reference 12) of a wireless communication network (col. 6, lines 52-54).

For claim 32, Yao et al. disclose method and apparatus for voice latency reduction in a voice-over-data wireless communication system, comprising:

encoding (figure 4, reference 406) a code (col. 9, lines 57-59) representative of a length of a data queue in a first network element (col. 9, line 17, and col. 12, lines 6-13), wherein the data queue is configured to receive the data (figure 4, reference 408, col. 9, line 18); and

transmitting (figure 4, reference 420) data packets comprising a field comprising said code (col. 9, lines 17-20), wherein said code (col. 9 lines 57-59) is used when allocating communication resources for a transmission between the first network element and a second network element (col. 7, lines 27-32).

However, Yao et al. do not expressly disclose generating data. In an analogous art, Ishida et al. disclose generating data (figure 6, reference 617, col. 8, lines 42-43);

One skilled in the art would have recognized the data generator, and would have applied Ishida et al.'s mobile station in Yao et al.'s determine the channel quality based on the length of queue 408. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Ishida et al.'s base station controller and mobile station in Yao et al.'s method and apparatus for voice latency reduction in a voice-over-data wireless communication system with the motivation being to generate data into frames (col. 8, lines 58-60).

Furthermore, Hwang et al. in view of Ishida et al. do not expressly disclose wherein the length of the data queue is embedded in a data block from the first network element. In an analogous art, Tiedemann, Jr. et al. disclose wherein the length of the data queue is embedded in a data block from the first network element (col. 21, lines 51-53).

One skilled in the art would have recognized the wherein the length of the data queue is embedded in a data block from the first network element, and would have applied Tiedemann, Jr. et al.'s data queue size in Hwang et al.'s mobile station transmission. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Tiedemann, Jr. et al.'s method and apparatus for reverse link rate scheduling in Hwang et al.'s controlling asymmetric dynamic radio bearers in mobile packet data communications system with the motivation being assigning the maximum scheduled transmission rate (col. 21, lines 49-51).

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOAN D. NGUYEN whose telephone number is (571)272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. D. N./
Examiner, Art Unit 2416

/FIRMIN BACKER/
Supervisory Patent Examiner, Art Unit 2416